IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE THIRTEENTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO : 12662 of 2004

Between:

Smt. P. Lakshmi Kanta, W/o. P. Gopal Reddy,
6-3-775/2, Punjagutta Colony, Hyderabad.

..... PETITIONER

AND

1 The Deputy Commissioner, Endowments Dept., Hyderabad.
2 The Asst. Commissioner, Endowments Dept., Hyderabad.
3 The Executive Officer, Person in Management, Sri Seetharama Swamy Temple, Dever Yamjal Vill, Shameerpet mandal, R.R.Dist.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more particularly one in the nature of Writ of Mandamus and declare the action of the first respondent in passing impugned order No.29 of 27.1.2004 in O.A.No.93/1999 is illegal, arbitrary and contradictory to the provisions under Sec. 83 of A.P. Charitable and Hindu Religious Institution Act 1987 as the impugned orders was passed without any notice to the petitioner as contemplated under Sec. 83 and consequently set aside the impugned order No.29 of 27.01.2004 in O.A. No. 93 of 1999 .

Counsel for the Petitioner: MR.K.ASHOK REDDY

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court made the following ORDER:

Heard both sides.

It is represented by the learned counsel on either side that having regard to the orders passed by this Court in W.P.No.12222 of 2004 dated 10.09.2004, the

prayer in the writ petition is to be allowed, for want of notice and opportunity to the petitioner during the enquiry.

Following the same, this writ petition is allowed. The impugned order is set aside and the matter is remitted back to the file of the Deputy Commissioner, Endowments Department, Hyderabad – first respondent herein for fresh consideration and disposal in accordance with law, after giving notice and opportunity to both sides.

13.09.2004

va/skmr

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the thirteenth day of September, Two Thousand and Four.

To

1 The Deputy Commissioner, Endowments Department, Hyderabad.
2 The Assistant Commissioner, Endowments Department, Hyderabad.
3 The Executive Officer, Person in Management, Sri Seetharama Swamy Temple, Dever Yamjal Vill, Shameerpet mandal, R.R.Dist.

4 Two CCs to G.P. for Endowments, High Court of A.P. Buildings, Hyderabad(OUT)

5 Two CD Copies